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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/371,212	08/10/1999	RONALD A. KATZ	245/099	8956

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EXAMINER

WOO, STELLA L

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 05/19/2003

27

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/371,212

Applicant(s)

Katz

Examiner

Stella Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on May 1, 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 51-106 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 51-106 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 1, 2003 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 51-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shavit et al. (US 5,727,164, hereinafter "Shavit") in view of Kaye et al. (US 5,727,164, hereinafter "Kaye"), and further in view of Foster et al. (US 4,897,867, hereinafter "Foster").

Shavit discloses a method of telephonically using a traffic control system (interactive market management system) for communication involving a buyer terminal (buyer 62) and at

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least one vendor terminal (distributors 83 or suppliers 84) for consummating sales transactions (processing business transactions; Abstract), the method including the steps of:

establishing telephonic communication from a buyer terminal to receive a buyer request (a buyer can submit a request for quotation (RFQ) over the public telephone system; col. 11, lines 39-51; col. 12, line 54 - col. 13, line 10);

indicating a transaction (the RFQ includes the goods or services desired by the buyer; col. 12, line 63 - col. 13, line 9);

establishing telephonic communication with at least one vendor terminal to transmit the buyer request (the RFQ data is transmitted to a distributor for authorization, resulting in a bid released to the buyer for conversion to a purchase order (col. 13, lines 29-34; col. 13, line 54 - col. 14, line 9); and

making a record regarding transactions for billing purposes (orders are recorded for payment processing; col. 8, line 55 - col. 9, line 42; col. 14, lines 33-62).

Shavit differs from the claims in that it does not specify the buyer request as including a specified purchase price. However, Kaye teaches the desirability of allowing a buyer to specify a maximum purchase price as part of the desired product information (col. 4, lines 11-20; col. 5, line 53 - col. 6, line 2) in order to locate a vendor willing to sell the desired product at a minimum cost. Since Shavit is similarly directed to providing buyers with access to multiple vendors, it would have been obvious to an artisan of ordinary skill to allow a buyer to include a desired purchase price as part of the buyer request, as taught by Kaye, within the request for

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quotation of Shavit in order to locate a vendor willing to sell the desired product at minum cost.

The combination of Shavit and Kaye differs from claims 51-79 in that it does not specify utilizing data which includes a check digit and qualifying the buyer at least in part based on the check digit. However, the Shavit system does require a buyer to enter an authorized user ID and password prior to receiving access to the system (col. 11, lines 39-47), and Foster teaches the well known use of a check sum digit for verifying an entered number (col. 7, lines 54-65) such that it would have been obvious to an artisan of ordinary skill to use a check sum digit, as taught by Foster, within the combination of Shavit and Kaye in order to verify the number of digits entered by the user as being the expected number of PIN digits.

4. Claims 80-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Shavit and Kaye, and further in view of Smith (US 5,450,123).

Shavit discloses a method of telephonically using a traffic control system (interactive market management system) for communication involving a buyer terminal (buyer 62) and at least one vendor terminal (distributors 83 or suppliers 84) for consummating sales transactions (processing business transactions; Abstract), the method including the steps of:

establishing telephonic communication from a buyer terminal to receive a buyer request (a buyer can submit a request for quotation (RFQ) over the public telephone system; col. 11, lines 39-51; col. 12, line 54 - col. 13, line 10);

indicating a transaction (the RFQ includes the goods or services desired by the buyer; col. 12, line 63 - col. 13, line 9);

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establishing telephonic communication with at least one vendor terminal to transmit the buyer request (the RFQ data is transmitted to a distributor for authorization, resulting in a bid released to the buyer for conversion to a purchase order (col. 13, lines 29-34; col. 13, line 54 - col. 14, line 9); and

making a record regarding transactions for billing purposes (orders are recorded for payment processing; col. 8, line 55 - col. 9, line 42; col. 14, lines 33-62).

Shavit differs from the claims in that it does not specify the buyer request as including a specified purchase price. However, Kaye teaches the desirability of allowing a buyer to specify a maximum purchase price as part of the desired product information (col. 4, lines 11-20; col. 5, line 53 - col. 6, line 2) in order to locate a vendor willing to sell the desired product at a minimum cost. Since Shavit is similarly directed to providing buyers with access to multiple vendors, it would have been obvious to an artisan of ordinary skill to allow a buyer to include a desired purchase price as part of the buyer request, as taught by Kaye, within the request for quotation of Shavit in order to locate a vendor willing to sell the desired product at minimum cost.

The combination of Shavit and Kaye differs from claims 80-106 in that although it provides for allowing subscriber access to a variety of data base services (col. 5, lines 58-65; col. 7, lines 6-46), it does not specify communication video. However, Smith teaches the desirability of allowing buyer access to a vendor supplied video image stored in a video file server (video source and database 6) for enhancing sales communication with the use of video (col. 1, line 51 - col. 3, line 27) as well as including a camera at the agent's terminal so that

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direct, real-time, point-to-point video communication can take place between a customer and the representative (col. 3, lines 26-27; col. 4, lines 25-28; moving pictures are communicated via AT&T 2500 video telephone sets, col. 1, lines 27-28) such that it would have been obvious to an artisan of ordinary skill to incorporate such use of dynamic, full-motion video, as taught by Smith, within the method of Shavit in order to allow a buyer to view the desired goods or services as well as real-time video communication between the customer and representative. Smith provides for prompts to view an available video (col. 2, lines 53-56; col. 4, lines 45-50) and providing client specific video (col. 5, lines 48+).

The examiner further takes Official Notice that it is old and well known in the art at the time of invention to provide for freeze-frame and high resolution video capability in a video communication system such that it would have been obvious to an artisan of ordinary skill to incorporate such well known video features within the combination of Shavit, Kaye, and Smith in order to allow for a higher quality video reception.

### ***Response to Arguments***

5. Applicant's arguments filed May 1, 2003 have been fully considered but they are not persuasive.

Applicant argues that "Kaye merely indicates that 'price' may serve as one of several descriptive parameters for a search. The 'price' here is not an indication of the maximum price a

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buyer is willing to pay." The examiner disagrees. Kaye clearly teaches that the price input by the user can be "maximum cost" for the desired item (col. 5, line 57; col. 6, line 2).

Applicant further argues that "Foster does nothing more than verify the number of digits entered by the user as being the expected number of PIN digits. Applicant's check digit involves a sum check of the digits." However, Foster teaches the use of both a check digit which indicates a digit count (ODC or PDC; col. 7, lines 42-45, 48-49) as well as a check digit (CD; col. 7, lines 45-46) which uses a check sum algorithm (col. 7, lines 54-65) in order to verify entered number information.

***Conclusion***

**6. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

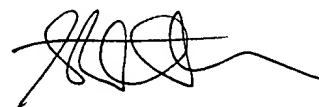
**or faxed to:**

(703) 872-9314.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 305-4395. Any general inquiries should be directed to the Customer Service Office at (703) 306-0377.

May 15, 2003



**STELLA WOO  
PRIMARY EXAMINER**